

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

IN RE PAYMENT CARD INTERCHANGE FEE
AND MERCHANT DISCOUNT ANTITRUST
LITIGATION

This Document Relates to:

Grubhub Holdings Inc., et al. v. Visa Inc., et al.,
No. 19-cv-06555 (E.D.N.Y.) (MKB) (VMS).

Case No. 1:05-md-1720 (MKB) (VMS)

ORAL ARGUMENT REQUESTED

DEFENDANTS' NOTICE OF MOTION FOR SUMMARY JUDGMENT

PLEASE TAKE NOTICE that, upon the accompanying Declaration of Jayme Jonat, and exhibits attached thereto; Defendants' Statement of Material Facts as to Which There Is No Genuine Issue to Be Tried; Defendants' Memorandum of Law in Support of Their Motion for Summary Judgment Under *Ohio v. American Express*; Defendants' Memorandum of Law in Support of Their Motion for Summary Judgment on Plaintiffs' Post-IPO Conspiracy Claims; Defendants' Memorandum of Law in Support of Their Motion for Summary Judgment on Plaintiffs' Damages Claims Under Federal Antitrust Laws Based on *Illinois Brick Co. v. Illinois*; and Mastercard's Memorandum of Law in Support of Its Motion for Summary Judgment Based on Mastercard's Lack of Market Power, the undersigned, as set forth in the signature pages of the foregoing memoranda, will move this Court on a date and time to be designated by the Court, in the United States Courthouse, 225 Cadman Plaza East, Brooklyn, NY 11201-1818 for an Order pursuant to Fed. R. Civ. P. 56 for summary judgment in their favor on all claims made against them, dismissing Plaintiffs' complaint against them in its entirety, and for such other further relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that Defendants request oral argument of this motion.

Dated: July 14, 2023

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on July 14, 2023, I caused a true and correct copy of the foregoing to be served on all counsel in the above-referenced action via FTP, in accordance with the parties' prior agreement.

Dated: July 14, 2023

/s/ Gary R. Carney
Gary R. Carney